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December 16, 2011

By Electronic and U.S. Mail

Gil Lemmon, Commissioner of Athletes  
Karen Smith, Associate Commissioner  
North Coast Section C1F  
Five Crow Canyon Court, Suite 209  
San Ramon, CA 94586

Re: Complaint Against Ferndale High School Football Program

Dear Commissioner Lemmon and Associate Commissioner Smith:

This is a complaint against the Ferndale High School football program for violations of the NCS Code of Conduct and Rules regarding Sportsmanship. The Complaint arises from a recurring pattern of racial epithets and taunting by Ferndale "superfans" which apparently is tolerated by the administration of that school.

Background

My grandson plays football at McClymonds High School. His mother and I travelled to Ferndale on September 3, 2011, to watch the Warriors play the Wildcats in the first game of the season. Before the game, I saw a pickup truck in the parking lot with a Confederate battle flag displayed prominently in the rear window, something I considered in poor taste when the visiting team has a large number of African-American players. I later learned that several of the McClymonds players had seen and commented on the flag. Late in the game, which Ferndale deservedly won, my grandson was beaten for a touchdown by a Ferndale receiver. The play occurred in the far end zone near the Ferndale side of the field. My grandson sat on the ground for a moment, then jumped to his feet and began yelling and gesturing toward the Ferndale sideline. This was unusual behavior for my grandson; he is a polite and well-mannered young man who has played organized football for five years and has never been ejected from a game, never been penalized for a personal foul or unsportsmanlike conduct, and never been involved in an altercation with other players, coaches, or fans. The officials surrounded my grandson and had a difficult time persuading him to leave the field, but never indicated that they were considering throwing a flag for his actions.

After the game, I asked my grandson what had happened. He responded that a man – not a player – on the sidelines had said words to the effect of "get up, n\*\*\*\*\*," and "take your n\*\*\*\*\* a\*\* back to Oakland." Stunned, I asked him again what had been said, and he repeated

these horrible words. My daughter and my grandson's father were witnesses to his statements. The officials and teams had left the field by this time and, although I looked for the Ferndale coach, I could not find him. The next day, I wrote a letter to the editor of the Ferndale Enterprise, who followed up immediately. Over the course of the next few weeks, I was contacted by a number of people in the Ferndale community, and learned the following:

1. There was a similar incident at the 2010 playoff game between Ferndale and Salesian in which a fan on the Ferndale sideline directed a racial epithet to a Salesian player who had run out-of-bounds. This incident was discussed between officials from the two schools who since have declined comment.

2. A Salesian coach had heard racial slurs by Ferndale fans working at the refreshment stand at an earlier game in Ferndale.

3. Others in the Ferndale community have overheard racial slurs both in the stands and among the fans who are allowed to roam the sideline. This group was described to me as the Ferndale "superfans" and major supporters of the football program at that school.

4. When interviewed, the officials at the Ferndale/McClymonds game seemed evasive and said only that they did not hear "exactly" what was said to my grandson.

5. Although two of the "superfans" who were in the vicinity of the incident involving my grandson denied that racial epithets were or are ever used on the Ferndale sidelines, their stories were contradictory, they admitted freely and with apparent pride that they taunt opposing players, and they refused my request that they denounce that sort of behavior.

6. There is a partial film clip of the incident which shows one of the "superfans" leaning over in the direction of my grandson and apparently saying something to him. Unfortunately, the film does not continue beyond that point.

7. The truck with the Confederate battle flag belonged to the son of the "superfan" who is shown in the clip, although that man told me that the flag had been removed and his son did not understand what it meant.

I received a telephone call during this time from Jack Lakin, the Superintendent of the Ferndale High school. Mr. Lakin was cordial and conciliatory. He later wrote a statement for the Ferndale Enterprise which, while not as forceful as I would have liked, at least touched on the question of inappropriate behavior by Ferndale fans. I also was told that, as a result of my letter, the rope that separates the "superfans" from the playing field was moved back another five feet.

Given this series of events, and the reality that my motive was simply to bring attention to what had occurred, I let the matter rest. I learned this past Monday, however, that yet another incident involving racial slurs by persons in the Ferndale crowd had occurred at the recent Ferndale/Salesian playoff game. On Wednesday, the Eureka Times-Standard published an article



on the incident stating that Coach Nightingale of Salesian both witnessed and had the courage to speak out regarding what had happened. A copy of the Times-Standard article is attached. I also have been told by a person with first-hand knowledge that Mr. Lakin was defiant when interviewed about this latest instance of misconduct by Ferndale fans, asserting that he "was in the area" and nothing had happened. Of course, this is almost identical to the story – using virtually the same words – told by the "superfans" regarding the incident involving my grandson.

Most recently, I listened to separate radio interviews of Coach Nightingale, who now seems to minimize the racial epithets, and Mr. Lakin, who condemned that sort of behavior but showed no indication that he would investigate or take any action to deal with the problem. I am concerned that denial and cover-up are the order of the day when it comes to the Ferndale football program, and that school officials cannot be counted on to put a stop to this behavior.

### Complaint

The Times-Standard article quotes Associate Commissioner Smith as stating that no action could be taken without a complaint, which is why I am writing this letter. Specifically, I respectfully request that you perform an investigation of the Ferndale High School football program for potential continuing violations of the following provisions of the NCS 2011-12 General Sports & Rulings Handbook:

- (i) Definition of Sportsmanship section (d)(2), prohibiting berating, yelling at, and personal attacks on opposing players during and after games.
- (ii) Code of Ethics sections (1) and (2), requiring all those associated with high school athletics to emphasize proper ideals of sportsmanship and fair play, and to eliminate all possibilities that tend to destroy the best values of the game.
- (iii) Board of Managers Policy section (c), requiring responsible school personnel to instruct and supervise the conduct of rooting sections to achieve an atmosphere consistent with good sportsmanship, and requiring school administrators to control or cause to be controlled spectators to ensure that athletic contests are conducted in an atmosphere that is consistent with the educational value of interscholastic athletics.
- (iv) Board of Managers Policy Statement section (d), requiring schools to take necessary actions to ensure that conduct not in conformance with the policy are reviewed and appropriate action taken to ensure that the ideals of sportsmanship are fostered.
- (v) Code of Ethics for Spectators 302H(a) and (c), requiring spectators to maintain a high degree of sportsmanship and prohibiting spectators from confronting coaches or players during or after a game.

This Complaint is submitted by me, my daughter, and by my daughter on behalf of her minor son. Please acknowledge your receipt of this letter, and let me know if you require a

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different procedure or additional information. Thank you for your prompt attention to this serious matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Stephen S. Walters". The signature is fluid and cursive, with the first name "Stephen" and last name "Walters" clearly legible.

Stephen S. Walters

SSW:jal

Enclosure

# Times-Standard

## Racism alleged at Ferndale football game

Thadeus Greenson/The Times-Standard

Posted: 12/14/2011 02:38:26 AM PST

A Ferndale High School football game has once again left allegations of racial taunting in its wake.

The Salesian High School Pride football team had just decisively beat the Ferndale High School Wildcats 42-6 Saturday night, capturing its second straight North Coast Section Division 4 championship and capping an undefeated season. But Salesian Coach and Athletic Director Chad Nightingale said he is having a hard time savoring the championship, alleging that Ferndale assistant coaches called him and his players "classless" and that a Ferndale fan hurled a racial epithet at one of his assistant coaches moments after Saturday's game played at Alhambra High School in Martinez.

"People kept telling me to enjoy the win -- I couldn't," Nightingale said in a phone interview with the Times-Standard on Tuesday morning. "I was livid that one of my coaches was called a n----- and that three of their assistants called my kids classless."

Nightingale said he's still livid, partly because he doesn't see this as an isolated incident. It's the third time such allegations have surfaced against Ferndale in the last year, dating back to when Salesian and Ferndale faced off in the playoffs last December. Salesian steamrolled to a 76-28 win at that time, a victory Nightingale said was fueled by his players' anger at racial taunting that came from the Ferndale stands and some of its players.

Ferndale Principal and

Superintendent Jack Lakin said he attended Saturday's game as a school administrator and didn't see or hear anything out of line. Further, Lakin said, he wasn't interested in discussing past allegations and found it "interesting" that the current allegations were an issue when he hadn't received any contact from Salesian's principal about

them.

Ferndale High School's football program is renowned throughout the state for annually fielding a tenacious -- if undersized -- group that plays as one under the direction of Coach and Athletic Director Kim Jorgensen. Perhaps even more, playing on Ferndale's Coach Carlson Wildcat Field is known as a unique experience in California high school football, a throwback to a time when the world stopped at the singing of the national anthem and didn't start again until the game was over.

"The town shuts down," Nightingale said, saying he's envious of the "wonderful" relationship the team has with its fans, most of whom the coach said have always been kind to him and his players. "When there's a football game, everyone in town is there."

The Ferndale faithful also are known for following their team when it travels, showing up in force throughout the county and beyond to cheer on their players. That was the case Saturday, when a busload of fans followed in tow as the Wildcats headed down to Martinez to face off with Salesian in a championship game rife with history and, from some accounts, animosity.

Salesian dominated the game from the opening kickoff, jumping out to a 28-0 half-time lead and cruising to a 42-6 victory. Some on the Ferndale sideline reportedly felt Nightingale's squad ran up the score -- going for a two-point conversion while up 40 points in the second half -- and Jorgensen was reportedly very angry when asked by an official

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# Times-Standard

if he wanted to invoke the mercy rule, under which the game clock runs continuously to get things over with as quickly as possible.

Some also noted that Nightingale's starters were on the field until the game's final whistle sounded, though others were quick to point to the fact that Salesian posted only one offensive touchdown in the second half and went scoreless for the game's final 18 minutes.

As the teams passed one another for the customary post-game handshake, Nightingale said three Ferndale assistant coaches said something along the lines of, "You guys are classless." After going through the line, Nightingale said, he was walking back to address his team when he asked his Assistant Coach Thomas Floyd if he'd correctly heard the Ferndale assistants. At that moment, Nightingale said, someone in a group of Ferndale fans milling about the field yelled, "Yeah, you guys have no class."

Nightingale said Floyd, who is black, then turned and addressed the crowd.

"Thomas says, 'Who the hell are you to talk to me about class?' Nightingale recalled. "I grabbed Thomas' shoulder, he and I turn away and that's when someone from behind us says, 'f--- you n-----.'"

Nightingale said he tried to talk to Lakin about the incident, and the comments made by assistant coaches.

"He refused to speak to me," Nightingale said. "He said, 'I have nothing to say to you.'"

Lakin said he "was made aware of the fact" Nightingale wanted to meet with him, but didn't feel a "meeting of any nature" with the coach was appropriate at that time and place. Lakin said he learned of the allegations through third parties Monday and Tuesday, and doesn't know where they came from.

"I also find it interesting if this was a concern from (Salesian) that the principal has not contacted our school district," Lakin said.

Times-Standard messages left for Salesian Principal Timothy Chambers were not returned by deadline Tuesday.

Nightingale said he was surprised and angered Lakin wouldn't speak with him, especially considering the two had spoken about a similar incident last year.

During the December 2010 playoff game between the two teams, played at Salesian's home field in Richmond, Nightingale said one of his players was running out of bounds near the Ferndale cheering section and said a fan yelled, "Hey, No. 3, you little n-----, get back to the huddle." Nightingale said other players told him during the game that Ferndale's players were also taunting them with racial epithets on the field.

While they were troubling, Nightingale said the taunts galvanized his team, which went on to put up 76 points that day.

"They just played lights out," Nightingale said, adding that his third stringers were scoring on long runs in the second half. "I've never seen anything like it."

Nightingale said he spoke with Lakin and Jorgensen a couple of days after the game to inform them of the allegations and voice his concern.

"Jack said Ferndale has a history of tolerance issues, but said they are working through them," Nightingale said, adding that he was assured the situation would be addressed. "As an administrator, I said, 'I'm going to trust you that you guys are going to look into this and handle it.'"

Ten months later, in Ferndale's next football game

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-- a home game that saw the Wildcats host McClymonds High School from Oakland -- another incident occurred after a McClymonds defender was beat for a touchdown pass. After the play, the McClymonds player stayed down on his knees for a moment before jumping up and yelling animatedly at a small group of Ferndale fans standing near the sideline.

The player told his coach, Curtis McCauley, and grandfather, Stephen Walters, that the fans heckled him, with one yelling something akin to "get up you f---ing n----- and get your n----- a-- back to Oakland."

In an interview with the Times-Standard a couple of weeks after the game, Walters was adamant that he believed his grandson. He said the teen implored him not to make a big deal out of the incident, but he wrote a letter to the Ferndale Enterprise voicing his anger anyway.

"I was bugged by it," Walters said. "I knew that the proper thing to tell a young man in this circumstance was not to let it bother him, but I also just wanted to make a statement to him, to others and to the world that it's not something to be just brushed off. It's just wrong."

Reached by the Times-Standard around the same time, a fan who was in the area of the incident, Stace Townsend, strongly disputed the allegations.

"There was no racial slur at all -- the kid was upset, and that's all I'm going to say," Townsend said, before growing frustrated after being asked by a reporter who else was around him at the time of the incident. "Nothing happened. We want to move on. They're trying to make something out of nothing. We're going to move on. I've got two boys on the team, and we want to move on with the season."

Having heard rumors of the allegations at the 2010 Salesian game, the Times-Standard also contacted Nightingale, who said there was an incident, that it was being dealt with and that he wouldn't comment further.

Contacted Tuesday, Nightingale said he couldn't keep quiet after the latest incident, noting it's the second time he has personally witnessed racially derogatory behavior by Ferndale fans.

The coach said he was at Ferndale's Coach Carlson

Wildcat Field in 2008 to scout the team with an assistant coach, an off duty El Cerrito police officer. At half-time, Nightingale said he went to the snack bar to get a cup of hot chocolate and found about 30 to 40 people milling around as about eight women worked the snack bar. Nightingale said he was shocked to hear one of those women yell at a little blond-haired girl, clad in a Ferndale sweatshirt, who was dancing to some music playing over the loudspeakers.

"She said, 'Hey, Shelly,' or whatever her name was, 'stop dancing like a n-----,'" Nightingale recalled. "We were like, what the f---? It wasn't that there was some idiot that was saying a racial epitaph, it was the fact that I was among 30 or 40 people and nobody batted a f---ing eyelid other than us."

After the allegations at the McClymonds game, Lakin penned a letter to the editor that ran in at least two local newspapers. In the letter, the principal and superintendent lauded the partnership and strong connection that exists between the school and its fans. Sometimes, he wrote, the intimacy between the team and the town can "lead to unfortunate actions," which may have been the case during the McClymonds game. However, Lakin wrote, for most, the facts of the incident will never be known.

"Sadly, the Ferndale fan in their excitement may have yelled something inappropriate, perhaps even racial at the player," Lakin wrote. "Just as regrettable, the McClymonds player, in the midst of his own frustrations from the day's game, may have let those frustrations affect his perceptions and wrongly accused the fan of making racial slurs."



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# Times-Standard

Lakin went on to ask fans to reflect and ask themselves if they had ever been caught up in the moment. For Ferndale's next home game, Lakin moved the rope barrier back about five feet, creating a slightly wider buffer between the fans and the players.

On Tuesday, Lakin said he felt he'd already addressed the McClymonds issue and didn't need to speak to it again. As to Saturday's game, Lakin said he didn't see or hear anything indicating that what Nightingale alleged actually occurred.

"If coaches said anything when they went through the line, I wouldn't have any knowledge of that or any way of knowing that," he said, before addressing the allegation that a fan racially taunted the Salesian assistant coach. "I was on the field on that end and, for the events that (Nightingale) describes, I did not hear or see anything to indicate that anything of that nature occurred. There was not anything about the game, or the goings and comings afterward, to indicate there was any kind of racial issue at all."

Jorgensen did not return messages left at his home and on his cell phone seeking comment for this story, and Humboldt-Del Norte Athletic Commissioner Charlie Lakin -- Jack Lakin's father -- declined to comment for this story.

North Coast Section Associate Commissioner Karen Smith said the league has rules governing sportsmanship at NCS sanctioned events, including rules barring fans from committing personal attacks or confronting coaches and players, as well as imploring all involved in high school sports to establish a "happy relationship" between visiting and host teams.

Smith said NCS sanctions are possible in situations where a complaint has been lodged, investigated and substantiated, and the executive committee deems them to be an appropriate response. She said no complaints have been filed with NCS concerning Saturday's allegations, and she had not heard of them.

Back in September, Walters said he'd like to see some action. He said most of Ferndale's fans treated him and the McClymonds team well when they were on the North Coast, but he quickly added that something needs to be done to rein in the others.

"I think Ferndale would do very well to police those things," he said. "To me, the notion of having adult male football fans down on a sideline taunting high school kids is kind of ludicrous. I think they need to reach out to the community and remind them of the bounds of civil behavior."

Thadeus Greenson can be reached at 441-0509 or [tgreenson@times-standard.com](mailto:tgreenson@times-standard.com).

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